

*Law Offices of*  
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VIA ECF  
January 19, 2022

Honorable Chief Judge Margo K. Brodie  
UNITED STATES EASTERN DISTRICT OF NEW YORK

Re: Wagner v New Era et.al., E.D.N.Y. 21-07092

Dear Honorable Judge Brody:

I represent the plaintiff Wagner in the above captioned case. I respectfully request you reassign the case to Judge Seybert and Magistrate Wicks who are handling case #21-cv-07092 for the following reasons.

Judge Seybert and Magistrate Wicks are handling case #21-cv-07092, entitled *Spinner v New Era et. al* since December, 2020. *Spinner* involves the exact same defendants, counsel and issues as the *Wagner* case that was assigned to you. To insure these duplicate cases went before Judge Seybert and Wicks, when I filed this case, *Wagner*, I specified that information on the Civil Cover Sheet, Sections VI and VIII, that Wagner is “RICO action against exact interstate movers and agents in companion case of *Spinner v New Era* et al # 20-CV-06288-JS-JMW” and listed Judge Seybert and Docket number 20-CV-06288 as the related action for assignment there (**attached**). Unfortunately, that information was missed by the assignment clerk.

On January 10, 2022, Magistrate Wicks held a status conference with me and Defendants counsel in the *Spinner* case. I informed them about this case with the same issues and defendants that was assigned to you. Magistrate Wicks agreed *Wagner* should be transferred to him and Judge Seybert, and requested I contact your court to inform you of the transfer request.

On January 14, 2022 I contacted your court on that procedural issue, and on January 18, 2022 your clerk politely e-mailed to inform I should file this letter requesting the re-assignment (**attached**, with court e-mail redacted).

Please reassign the *Wagner* case to Judge Seybert and Magistrate Wicks so they may handle these exact same issues and parties in one proceeding.

Thank you for your attention in this matter.

Very truly yours,  
**LAW OFFICES OF SUSAN CHANA LASK**

/s Susan Chana Lask  
**SUSAN CHANA LASK**

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Stephanie Wagner

(b) County of Residence of First Listed Plaintiff **Hawaii**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Law Offices of Susan Chana Lask  
Susan Chana Lask, Esq, 244 Fifth Avenue, #2369  
NY, NY 10001 917-300-1958DEFENDANTS New Era Relocation LLC, Moving Solutions LLC,  
Gold Standard Relocation, Mede Karimov a/k/a Medetbek Karimov,  
Thomas Galczynski, Jennifer Blake, Sammi "Doe", Ryan F "Doe",  
Relocate US LLC & Margaret Bovard Drayton a/k/a Maggie Drayton  
County of Residence of First Listed Defendant **North Carolina**  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Barry N. Gutterman, Esq 26 Hillside Ave, Golden Bridges,  
NY 10526 914-234-7965 ; Casey & Barnett, 305 B'way,  
Suite 1202, NY, NY 10007, 212-286-0225

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

Does this action include a motion for temporary restraining order or order to show cause? Yes ☐ No ☒

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input checked="" type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<b>LABOR</b>	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Securities/Commodities/ 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923) Product Liability	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> Exchange	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 850
	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> Leave Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 751 Family and Medical
	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 790 Other Labor Litigation	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 890 Other Statutory Actions
	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 891 Agricultural Acts
	<input type="checkbox"/> 385 Property Damage	<b>IMMIGRATION</b>	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 896 Arbitration
	<input type="checkbox"/> 463 Alien Detainee			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 510 Motions to Vacate Sentence			<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	<b>Other:</b>			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 USC § 1962(a)-(d)

Brief description of cause:

RICO action against exact interstate movers and agents in companion case of *Spinner v New Era et al* # 20-CV-06288-JS-JMW

## VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
5,000,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Joanna Seybert, U.S.D.J.

DOCKET NUMBER # 20-CV-06288-JS-JMW

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/22/21

/s Susan Chana Lask

## FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration ☐

I, Susan Chana Lask, Esq., counsel for Plaintiff, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

☒  
☒  
☐

monetary damages sought are in excess of \$150,000, exclusive of interest and costs,  
the complaint seeks injunctive relief,  
the matter is otherwise ineligible for the following reason

### **DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

unknown

### **RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

### **NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? ☐ Yes ☒ No
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? ☒ Yes ☐ No  
\* see *Spinner v New Era et al* # 20-CV-06288-JS-JMW
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? ☒ Yes ☐ No  
\*\* see *Spinner v New Era et al* # 20-CV-06288-JS-JMW
  - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received: \_\_\_\_\_

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? ☐ Yes ☐ No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

### **BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.



Yes



No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?



Yes

(If yes, please explain



No

I certify the accuracy of all information provided above.

Signature: /s Susan Chana Lask

Wednesday, January 19, 2022 at 4:14:50 PM Eastern Standard Time

**Subject:** RE: 1-14-22\_Wagner v New Era et al #21-cv-07092 Transfer Issue  
**Date:** Tuesday, January 18, 2022 at 9:03:54 PM Eastern Standard Time  
**From:** Natalie Collins  
**To:** Susan Chana Lask

Hi Ms. Lask,

Thank you for your email! I've checked with our courtroom deputy and you should write a letter or motion requiring reassignment and file it on ECF.

Best,  
Natalie

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**From:** Susan Chana Lask <susaxxxxxxxxxx>  
**Sent:** Friday, January 14, 2022 4:29 PM  
**To:** Natalie Collins <Natalie\_xxxxxxxxxx>  
**Subject:** 1-14-22\_Wagner v New Era et al #21-cv-07092 Transfer Issue

**CAUTION - EXTERNAL:**

Dear Ms. Collins:

Per my quick procedural call to you today, I informed that I and the Defendants counsel in the #21-cv-07092 case that case openings filed before Judge Brodie had a status conference with EDNY's Magistrate Wicks in the case of *Spinner v New Era et al*, 20-CV-06288-JS-JMW, which involves the exact same defendants and issues that Judges' Seybert and Wicks have been handling the past year, except the Wagner case involves a new plaintiff and an additional cause of action.

I informed Mag Wicks that the *Wagner* case ended up in your court despite the Civil Cover sheet (attached) listing the *Spinner* case as the already filed related case.

Mag Wicks agreed Wagner should be transferred to him and Judge Seybert, and requested I contact Chief Judge Brody to have it transferred.

You informed you will help facilitate the transfer and requested I email my contact information in case you have questions, which is the purpose of this email.

Thank you for your time, and please call me any time.

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**Susan Chana Lask, Esq.**

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If received in error, please notify the sender and delete.

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